

appears to have erroneously identified claims 7-19 as Invention I and claims 1-6 as Invention II. Applicants are therefore proceeding on the assumption that the Examiner intended to convey that Invention I comprises claims 1-6, that Invention II comprises claims 7-16, and that Invention I and Invention II are related as subcombination and combination, respectively.

Applicants respectfully traverse the above restriction requirement and submit that it is inappropriate. Applicants further traverse the Examiner's characterization of Invention I and II as being related as subcombination and combination.

Applicants note that each and every one of the claims in the present application is directed to a target for photogrammetric analytic measurement. More particularly, each of the independent claims recites three standard points in a plane. Also, claim 1 recites a first and a second "straight line" interconnecting the three standard points, while claim 7 similarly recites a first and a second "bar" on which the three standard points are located. Accordingly, the recitations of each of the independent claims, as well as of the various dependent claims, are so closely related as to make a restriction requirement inappropriate. For this reason, it is submitted that the restriction requirement is inappropriate and that all the claims in the present application should be examined together.

Applicants further note that, although the various claims recite different components, this alone is an inadequate basis to render the species defined by the claims appropriate for restriction. Applicants are permitted, and even encouraged to submit claims of varying scope

and that is what Applicants have done in the present application. Additionally, the overwhelming majority of the search field for the identified groups is co-extensive. Although there might be specific search areas that are required for particular claims that are not required for others, this alone is believed to be inadequate and thus an inappropriate basis for requiring restriction.

Moreover, the restriction requirement set forth by the Examiner omits one of the two criteria for a proper restriction requirement now established by the U.S. Patent and Trademark Office policy. As set forth in M.P.E.P. § 803, "an appropriate explanation" must be set forth by the Examiner as to the existence of a "serious burden" if the restriction requirement were not required. By virtue of the Examiner's requirement and since the claims of the various groups are so closely related and are all directed to a target for photogrammetric analytic measurement, having three standard points in a predetermined relationship, it is submitted that there is no serious burden on the Examiner in examining all these claims together. Furthermore, as noted above, the search for the claims includes a significant amount of overlap. Thus, additionally, no serious burden would come to bear on the Examiner.

With respect to the combination/subcombination relationship, claims 1 and 7 recite an essentially equivalent level of detail regarding the overlapping features (e.g., the three standard points and the lines/bars). They merely reflect different aspects of the invention.

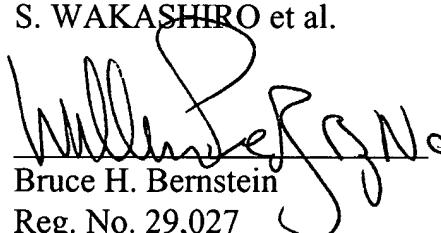
Accordingly, Applicants respectfully submit that the characterization of Inventions I and II as being related as subcombination and combination is inappropriate. See M.P.E.P. § 805(c).

For all of these reasons, and consistent with the office policy as set forth in M.P.E.P. §§ 803 and 805, Applicants respectfully request that the Examiner reconsider the position taken in the above-mentioned Official Action and withdraw the restriction requirement in the present application. Accordingly, the Examiner's restriction requirement is believed to be improper and has been traversed for the reasons set forth above.

Nevertheless, in order to be fully responsive, Applicants have elected, with traverse, the invention as recited by claims 1-6, identified by the Examiner as Invention I, in the event that the Examiner chooses not to reconsider and withdraw the restriction requirement.

Should the Examiner have any questions or comments regarding the present response or this application, the Examiner is respectfully invited to contact the undersigned at the below listed number.

Respectfully submitted,  
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